

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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RICHARD PRESTON BLACKWELL,

Civil No. 24-35 (JRT/SGE)

Plaintiff,

v.

**ORDER AND MEMORANDUM OPINION  
GRANTING PLAINTIFF’S APPLICATION TO  
PROCEED IFP ON APPEAL**

WASHINGTON COUNTY, MINNESOTA;  
COMMANDER ROGER HEINEN, *in his  
individual capacity*; JOHN DOE, *Assistant  
Jail Administrator, in his individual  
capacity*; OFFICER JOHNSON, *in his  
individual capacity*; and JOHN DOES, *in  
their official capacities*.

Defendants.

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Richard Preston Blackwell, 101 Fifth Street, Suite 150, Saint Paul, MN 55101,  
*pro se* Plaintiff.

Vicky A. Hruby, **JARDINE LOGAN & O’BRIEN PLLP**, 8519 Eagle Point  
Boulevard, Suite 100, Lake Elmo, MN 55042, for Defendants.

Plaintiff Richard Preston Blackwell brings claims under both federal and state law after Defendants strip searched him while in custody at Washington County Jail. (Am. Compl. at 12–26, Jan. 29, 2024, Docket No. 4.) Magistrate Judge Elizabeth Cowan Wright<sup>1</sup> granted Blackwell’s application to proceed in forma pauperis (“IFP”) in district court.

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<sup>1</sup> The case has since be reassigned to Magistrate Judge Shannon G. Elkins. (Clerk’s Notice of Reassignment, Oct. 21, 2024, Docket No. 44.)

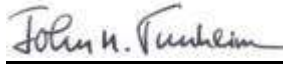
(Order Granting Appl. to Proceed without Prepaying Fees or Costs, Feb. 1, 2024, Docket No 5.) Because the state law claims were barred by a statute of limitations and the federal law claims failed to state a claim, the Court dismissed the matter with prejudice. (Order & Mem. Op. at 11–15, Dec. 2, 2024, Docket No. 45.) Blackwell has appealed the Court’s decision to the Eighth Circuit and now seeks to proceed IFP on appeal. (Appl. Proceed IFP on Appeal, Dec. 27, 2024, Docket No. 48.)

A party that seeks to proceed IFP on appeal must file a motion in district court. Fed. R. App. P. 24(a)(1). If a party was permitted to proceed IFP in the district court action, they may proceed IFP on appeal without further authorization. Fed. R. App. P. 24(a)(3). Because Blackwell was permitted to proceed IFP in the district court action, he does not need further approval to proceed IFP unless the Court determines his “appeal is not taken in good faith.” Fed. R. App. P. 24(a)(3)(A). Because Blackwell’s appeal is taken in good faith, Blackwell may proceed IFP on appeal, and his application will be granted.

### **ORDER**

Based on the foregoing, and all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that Plaintiff’s Application to Proceed In Forma Pauperis on Appeal [Docket No. 48] is **GRANTED**.

DATED: January 22, 2025  
at Minneapolis, Minnesota.

  
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JOHN R. TUNHEIM  
United States District Judge